

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 253

Introduced by Quandahl, 31

Read first time January 13, 2003

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to presidential electors; to amend sections
2 32-710, 32-714, and 32-1038, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to selection and
4 obligations of presidential electors; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-710, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 32-710. Each political party shall hold a state
4 postprimary convention biennially on a date to be fixed by the
5 state central committee but not later than September 1. Candidates
6 for elective offices may be nominated at such conventions. Such
7 nominations shall be certified to the Secretary of State by the
8 chairperson and secretary of the convention. The certificates
9 shall have the same force and effect as nominations in primary
10 elections. The convention shall formulate and promulgate a state
11 platform, select a state central committee, select electors for
12 President and Vice President of the United States, and transact the
13 business which is properly before it. ~~One presidential elector~~
14 ~~shall be chosen from each congressional district, and two~~
15 ~~presidential electors shall be chosen at large.~~ The officers of
16 the convention shall certify the names of the electors to the
17 Governor and Secretary of State.

18 Sec. 2. Section 32-714, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-714. The Governor shall provide each presidential
21 elector with a list of all the electors. If any elector is absent
22 or if there is a deficiency in the proper number of electors, those
23 present shall elect from the citizens of the state so many persons
24 as will supply the deficiency and immediately issue a certificate
25 of election, signed by those present or a majority of them, to the
26 person or persons so chosen. In case of failure to elect by 3 p.m.
27 of such day, the Governor shall fill the vacancies by appointment.
28 After all vacancies are filled, the college of electors shall

1 proceed with the election of a President of the United States and a
2 Vice President of the United States and certify their votes in
3 conformity with the Constitution and laws of the United States.
4 ~~Each at-large presidential elector shall cast his or her ballot for~~
5 ~~the presidential and vice-presidential candidates who received the~~
6 ~~highest number of votes in the state. Each congressional district~~
7 ~~presidential elector shall cast his or her ballot for the~~
8 ~~presidential and vice-presidential candidates who received the~~
9 ~~highest number of votes in his or her congressional district.~~

10 Sec. 3. Section 32-1038, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-1038. (1) The board of state canvassers shall
13 authorize the Secretary of State to open the abstracts of votes
14 from the various counties and prepare an abstract stating the
15 number of ballots cast for each office, the names of all the
16 persons voted for, for what office they respectively received the
17 votes, and the number of votes each received. The abstract shall
18 be signed by the members of the board and shall have the seal of
19 the state affixed by the Secretary of State. The canvass of the
20 votes for candidates for President and Vice President of the United
21 States and the return thereof shall be a canvass and return of the
22 votes cast for the presidential electors of the same party or group
23 of petitioners respectively, and the certificate of such election
24 made by the Governor shall be in accord with such return. ~~Receipt~~
25 ~~by the presidential electors of a party or a group of petitioners~~
26 ~~of the highest number of votes statewide shall constitute election~~
27 ~~of the two at-large presidential electors of that party or group of~~
28 ~~petitioners. Receipt by the presidential electors of a party or a~~

1 group of petitioners of the highest number of votes in a
2 congressional district shall constitute election of the
3 congressional district presidential elector of that party or group
4 of petitioners.

5 (2) The board of state canvassers shall determine from
6 the completed abstract the names of those candidates who have been
7 nominated or elected. If any two or more persons are returned with
8 an equal and the highest number of votes, the board of state
9 canvassers shall decide by lot which of such persons is elected
10 except for officers elected to the executive branch. The board of
11 state canvassers shall also declare those measures carried which
12 have received the required percentage of votes as provided by law.

13 Sec. 4. Original sections 32-710, 32-714, and 32-1038,
14 Reissue Revised Statutes of Nebraska, are repealed.